



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 15, 2022

**BY ECF**

The Honorable Edgardo Ramos  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Trevor Milton*, S1 21 Cr. 478 (ER)**

Dear Judge Ramos:

The Government writes regarding the expected witness order and schedule for trial tomorrow, September 16, 2022. At the conclusion of trial today, the Government stated its expected witness order on the record. Consistent with conversations between the parties, the Government stated that it expected to call tomorrow, following the conclusion of Brendan Babiarz's testimony, Dale Prows and, if Mr. Prows' testimony concludes prior to the end of the day, Mark Russell.

The Government learned late this afternoon that the funeral of Mr. Russell's sister has been scheduled to occur in Utah tomorrow. The parties have conferred and agree that Mr. Russell's testimony should be deferred until Monday in order to permit him to attend his sister's funeral. The parties further agree that, given that the parties have prepared for Mr. Russell's testimony to follow the testimony of Mr. Prows, it would be more efficient for the parties, the Court, and the jury that, should Mr. Prows' testimony conclude before the end of the trial day, the Court adjourn for the weekend and proceed with testimony Monday morning. This schedule will permit the parties to continue to work cooperatively to make efficient use of the jury's time.

The Government understands the importance of maintaining the Court's trial schedule and believes it likely that Mr. Prows' testimony will not conclude before the end of the trial day in any case (particularly because the Government now expects the remainder of Mr. Babiarz's testimony to be longer than its previous estimate). Nonetheless, in light of these particular circumstances, and the importance of allowing Mr. Russell to attend to family matters on short notice to the

parties, the Government respectfully requests that, should Mr. Prows' testimony conclude before the scheduled end of the trial day, the Court adjourn for the weekend. As noted above, the defendant, through his counsel, consents to this request.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: s/ \_\_\_\_\_  
Jordan Estes  
Matthew Podolsky  
Nicolas Roos  
Assistant United States Attorneys  
(212) 637-2543/1947/2421

cc: Counsel of Record (by ECF)